

the right way; there is a right way and wrong way to do things. You do it this way. We are going to see substantial waste, abuse, and fraud. When she started raising those questions, something important happened to her. She was told one of two things will happen: You will either be fired or you will be demoted.

This public servant had the courage to speak up and speak out against practices she thought were horribly unfair and were going to hurt this country, and she paid for it with her career.

What a message to send to those who have the courage to blow the whistle and speak up. Does anybody care about that? It doesn't appear so. It really doesn't appear that way. We have asked Secretary Rumsfeld. We sent many letters to Secretary Rumsfeld. It is like sending those letters into a deep abyss someplace. You get a little one-paragraph reply saying: Got your letter, get back to you later. And there will never be a later. That is the way it works. Zip it up, cover it up, sew it up, it doesn't matter and, oh, by the way, ask Congress for more money; they will certainly appropriate it. Don't worry where it is going. If it is waste, nobody cares very much and, by the way, if somebody does care and raises the issue, we will have sufficient votes on it to say we won't do anything about it. And those sufficient votes will go home and talk about the fact, boy, they are tigers watching out for the American taxpayers. Hardly. Hardly.

We will see, once again, in a few minutes whether people really do care about this and whether they are willing to own up to the oversight responsibility Congress has, to care about how the taxpayers' money is spent.

This case is made. This is not an open case, it is not an argument that has to be made. This case is made. The evidence is all around us. The question is whether enough Senators will care.

Mr. President, I reserve the remainder of the time.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I ask unanimous consent that I speak on the bill for just a minute or two.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, I say to my good friend and colleague, if there is an award to be made for determination, he has it on this particular issue. It is interesting that the Senator from North Dakota invoked a good deal of history as to the Truman committee. I think colleagues should know, however, that the Senate has already addressed this amendment on two previous occasions: first on September 14, 2005, on the Commerce-State-Justice appropriations bill. The vote was 53 to 44, defeated, and then again on October 19, 2005, on the DOD appropriations bill. Again, the Senate rejected it 54 to 44. Those matters should be before Senators.

Mr. LEVIN. Mr. President, if the Senator will yield, since Senator DORGAN

does have another minute left, I believe, and I want to give him an opportunity to respond, I will use 30 seconds of that time simply to say that Senator DORGAN has, indeed, been tenacious. There has been an absence of oversight in this area which has been glaring. He has almost by himself filled in some of those gaps as he described it. He should not need to do that. We should either have the committees doing that or else we need this special Truman-type committee.

I commend him for his tenacity. I am glad he is bringing this to a vote, and maybe one of these days—hopefully today—he will prevail.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. At this point in time, a vote is imminent.

EXECUTIVE SESSION

NOMINATION OF DONALD C. WINTER, TO BE SECRETARY OF THE NAVY

Mr. WARNER. Mr. President, I ask unanimous consent that the Senate now proceed to the Executive Calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. I ask unanimous consent that the Senate immediately proceed to executive session to consider Calendar No. 410. I further ask unanimous consent that the nomination be confirmed, the motion to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and finally that the Senate then return to legislative session. This has been cleared on both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nomination considered and confirmed is as follows:

DEPARTMENT OF DEFENSE

Donald C. Winter, of Virginia, to be Secretary of the Navy.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I believe now the confirmation has taken place?

Mr. WARNER. That is correct.

Mr. LEVIN. I wish to have a very brief colloquy with my dear friend from Virginia on this matter, which I think he would want to comment briefly on, and that is I understand that once Secretary Winter is confirmed, which he now is, the Department of Defense will adopt an approach under which Secretary England will continue to act as Deputy Secretary of Defense on an interim basis. This approach is lawful, but it is temporary only and it is not intended to establish a pattern for future appointments. Would the Senator agree with that statement?

Mr. WARNER. Yes, Mr. President. This is a subject I have discussed with the administration and most specifically with the Secretary of Defense. I assure my colleague that it will not establish a pattern because to me the ad-

vice and consent process is a very precise obligation of the Senate. This type of action is taken in this case because it is my understanding that the President will make a recess appointment within 120 days, and I assure the Senator this matter will not go beyond the 120 days.

I thank the Senator for bringing it up, and I thank him for his cooperation and the cooperation of other Senators on this matter.

Mr. LEVIN. I do welcome that assurance. It is important for this institution. Whether the President is a Democrat or a Republican makes no difference on this issue. This is a matter of this institution asserting its constitutional responsibility, and I thank my friend from Virginia.

Mr. WARNER. Mr. President, I spoke with Secretary of Defense Rumsfeld very early this morning on this issue.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2006—Continued

Mr. WARNER. Mr. President, under the order, the Senate is about to address the amendment by the distinguished Senator from North Dakota.

AMENDMENT NO. 2476

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. How much time remains?

The PRESIDING OFFICER. All time for debate has expired.

Mr. DORGAN. I ask unanimous consent for 30 seconds.

Mr. WARNER. Yes.

Mr. DORGAN. The Senator from Virginia is quite right that we have twice before voted on this amendment and I believe ignored the value of the amendment. In almost all cases, there is virtue in being consistent, but being consistently wrong is hardly virtuous. My hope is the Senate will understand the value of this amendment this morning as we vote on it for the third time.

Mr. SESSIONS. Mr. President, I ask unanimous consent to have 30 seconds to respond?

Mr. WARNER. Yes.

The PRESIDING OFFICER. Is there objection?

Mr. DORGAN. Mr. President, respond on this amendment?

Mr. SESSIONS. I ask unanimous consent to make one point on this amendment.

Mr. WARNER. With time being given to the Senator from North Dakota if he wishes to rebut.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, he asked for 30 seconds, and I thought I would get 30 seconds after all time had expired.

The Department of Defense inspector general is working on this. I say this in response to the idea that nothing is being done and nobody cares. That is not true. The Army inspector general's office is fully engaged. The Army Criminal Investigation Department is engaged. The Defense Contract Audit Agency is engaged. The Defense Contract Management Agency is looking at these things. Most important, in response to Senator DORGAN's concerns and others, a Special Inspector General for Iraq Reconstruction is engaged and is very tough and capable.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. DORGAN. In 30 seconds, I say the Senator has just made my point. He recited a long description of people interested in this, none of whom reside in the Congress. The oversight responsibility belongs to the Congress. It belongs here, and it is not happening here. That is precisely the point I believe the Senator made on the floor just a moment ago. That is precisely why we ought to support this amendment.

Mr. WARNER. Regular order. Have the yeas and nays been ordered?

The PRESIDING OFFICER. They have not been ordered.

Mr. WARNER. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

Mr. WARNER. I further request the yeas and nays on the Talent amendment which follows.

The PRESIDING OFFICER. The yeas and nays have been ordered on the Talent amendment.

The question is on agreeing to the amendment.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. The following Senator was necessarily absent: the Senator from Tennessee (Mr. ALEXANDER).

Further, if present and voting, the Senator from Tennessee (Mr. ALEXANDER) would have voted "no."

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. CORZINE) and the Senator from Hawaii (Mr. INOUE) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 44, nays 53, as follows:

[Rollcall Vote No. 316 Leg.]

YEAS—44

Akaka	Dodd	Leahy
Baucus	Dorgan	Levin
Bayh	Durbin	Lieberman
Biden	Feingold	Lincoln
Bingaman	Feinstein	Mikulski
Boxer	Harkin	Murray
Byrd	Jeffords	Nelson (FL)
Cantwell	Johnson	Nelson (NE)
Carper	Kennedy	Obama
Chafee	Kerry	Pryor
Clinton	Kohl	Reed
Conrad	Landrieu	Reid
Dayton	Lautenberg	

Rockefeller
Salazar

Sarbanes
Schumer

Stabenow
Wyden

NAYS—53

Allard
Allen
Bennett
Bond
Brownback
Bunning
Burns
Burr
Chambliss
Coburn
Cochran
Coleman
Collins
Cornyn
Craig
Crapo
DeMint
DeWine

Dole
Domenici
Ensign
Enzi
Frist
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Lott
Lugar
Martinez
McCain

McConnell
Murkowski
Roberts
Santorum
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Sununu
Talent
Thomas
Thune
Vitter
Voinovich
Warner

NOT VOTING—3

Alexander

Corzine

Inouye

The amendment (No. 2476) was rejected.

Mr. WARNER. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2477

Mr. WARNER. Mr. President, if we could have order in the Senate, can the Senators with this amendment be recognized for, I think, 2 minutes each?

Mr. TALENT. Mr. President, Senator LIEBERMAN and I have introduced this amendment which we believe is crucial in providing our Armed Forces with the air transport capabilities they need. The amendment is cosponsored by Senators STEVENS, BOXER, FEINSTEIN, CORNYN, CHAMBLISS, and a number of others. We have worked with the chairman, the ranking member, and the managers, and are grateful for their help. It has been cleared on both sides. It is an important amendment. I encourage the Senate to agree to it.

Mr. MCCAIN. Mr. President, I oppose the amendment. There has been a mobility capability study which indicates that we have an acceptable number for this capability.

We are looking at cuts in defense spending, and there are a lot of tremendous cost overruns. We are looking at rapidly escalating procurement costs. These additional aircraft are not needed. They are not needed today. I believe we have to at some point have some kind of discipline and listen to what we need and have in capabilities, and this is not one of them.

I yield the floor.

Mr. DODD. Mr. President, as many of you may know, almost every person in uniform who has looked at this believes that this program is of critical importance to our national security structures in the 21st century. There is not any debate that exists there. We believe it is an important element. If we don't do this, there is a great fear that this line will be dropped and the C-17 will be lost.

We, obviously, have an interest in Connecticut. The engines are made in our State. But this aircraft is far more important than where the engines or the bodies are made. It is important to

our national security needs. That is why we have this bipartisan support.

We thank the chairman and ranking member for their support as well of the amendment being offered by the Senator from Missouri and the Senator from Connecticut. I am proud to be a sponsor of it.

We urge adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment. The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MCCONNELL. The following Senator was necessarily absent: the Senator from Tennessee (Mr. ALEXANDER).

Further, if present and voting, the Senator from Tennessee (Mr. ALEXANDER) would have voted "yea."

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. CORZINE) and the Senator from Hawaii (Mr. INOUE) are necessarily absent.

The PRESIDING OFFICER (Mr. GRAHAM). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 89, nays 8, as follows:

[Rollcall Vote No. 317 Leg.]

YEAS—89

Akaka	Dodd	Martinez
Allen	Dole	McConnell
Baucus	Domenici	Mikulski
Bayh	Dorgan	Murkowski
Bennett	Durbin	Murray
Biden	Ensign	Nelson (FL)
Bingaman	Enzi	Nelson (NE)
Bond	Feinstein	Obama
Boxer	Frist	Pryor
Brownback	Graham	Reed
Bunning	Grassley	Reid
Burns	Gregg	Roberts
Burr	Hagel	Rockefeller
Byrd	Harkin	Salazar
Cantwell	Hatch	Santorum
Carper	Hutchison	Sarbanes
Chafee	Inhofe	Schumer
Chambliss	Isakson	Shelby
Clinton	Jeffords	Smith
Coburn	Johnson	Snowe
Cochran	Kennedy	Specter
Coleman	Kerry	Stabenow
Collins	Landrieu	Stevens
Conrad	Lautenberg	Talent
Cornyn	Leahy	Thune
Craig	Levin	Vitter
Crapo	Lieberman	Voinovich
Dayton	Lincoln	Warner
DeMint	Lott	Wyden
DeWine	Lugar	

NAYS—8

Allard	Kyl	Sununu
Feingold	McCain	Thomas
Kohl	Sessions	

NOT VOTING—3

Alexander

Corzine

Inouye

The amendment (No. 2477) was agreed to.

Mr. WARNER. I move to reconsider the vote.

Mr. KERRY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WARNER. Mr. President, we are making progress on this bill. It is the intention of the joint leadership, the majority leader, and the Democrat leader, that this bill be finished. Senator LEVIN and I are doing the best we can to accommodate all colleagues.

The amendments we know of that remain—one by the distinguished Senator from South Carolina. At this time I would like to set the hour of 2:30 to consider that. Is that agreeable?

We simply bring it up at 2:30 and we determine how it unfolds with regard to second degrees.

Mr. LEVIN. The Senator from Massachusetts is ready to proceed with his amendment.

Mr. WARNER. There is no objection to that.

Mr. LEVIN. Senator AKAKA needs 5 minutes—have you gone through this?

Mr. WARNER. What I am trying to get at the moment is the amendments, and then we will try to splice in periods of time for our colleagues to speak to other matters on the bill.

Mr. LEVIN. We are hopeful we can complete the drafting of an Iraq amendment in the next half hour which, if we succeed, we would want to show it to the Senator from Virginia, but it may take some real time this afternoon.

Mr. WARNER. Fine. Let's deal with the known quantities.

The Senator from Massachusetts wishes to bring up an amendment which is within the 12 amendments of the Senator from Michigan. That is to be taken up now. We will proceed with that. There may well be an amendment in the second degree; I cannot anticipate that.

Mr. LEVIN. If I could ask the Senator to yield, the Senator from Minnesota has an amendment or needs morning business?

Mr. DAYTON. To speak on two amendments already included in the managers' package.

Mr. WARNER. We will try and package, for the moment, two items. The Senator from Massachusetts will now proceed on his amendment. We cannot predict how long it will take because we do not know of the potential for second degrees. That will take place under the underlying unanimous consent. At 2:30 we take up the amendment of the Senator from South Carolina and proceed on that.

Mr. LEVIN. With a second-degree amendment expected on that.

Mr. WARNER. So let us get those two locked in for the moment.

Mr. LEVIN. Excuse me. We made reference to two other Senators within that period of time. Senator AKAKA would get 5 minutes for morning business, and I want to make sure the Senator from Minnesota, within that same time period, will have 10 minutes that relates to the pending amendments, as I understand the Senator.

Mr. DAYTON. Amendments to the bill that are in the managers' package. Mr. WARNER. And Senator BURR needs 5 minutes.

Within that period of time we will accommodate the three colleagues for the matters they wish.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Further, I wish to inform Senators that the likelihood of

any votes between, say, the hour of 12:45 and 2 o'clock is most unlikely. As a matter of fact, I ask unanimous consent there be no votes during that period of time to accommodate a number of Senators on both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Does the Senator expect the possibility of a vote before 12:45?

Mr. WARNER. No.

Mr. LEVIN. So it is unlikely between now and when?

Mr. WARNER. 2:15.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. I understand the Senator from Hawaii wants to speak for 5 minutes. I ask unanimous consent the Senator from Hawaii be recognized for 5 minutes and I be recognized at the conclusion.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Hawaii.

VETERANS DAY 2005

Mr. AKAKA. Mr. President, I thank my friend and colleague, Senator KERRY, for the time.

Tomorrow is Veterans Day. I pause this morning and join my fellow Americans in paying homage to those who served in this Nation's Armed Forces.

Observance of this day is a wonderful tradition that allows all Americans to reflect upon the sacrifices made by our veterans in protecting our freedoms and liberties. This Veterans Day is especially poignant during this time of conflict.

Our current battles abroad are a constant reminder of the ordeals our soldiers of this war and past wars endured on behalf of this great Nation. I commend the many soldiers, sailors, airmen, and marines on Active Duty, and the National Guard and the Reserves, and their families for their service to our country. Our support of our service members must be steadfast and strong.

Veterans Day has a long and important history. In 1911—at the eleventh hour of the eleventh day of the eleventh month—an armistice was signed between the Allied nations and Germany, effectively ending World War I, then hoped to be “the war to end all wars”. In November of 1919, President Wilson proclaimed November 11 the first commemoration of Armistice Day.

This great day was initially celebrated in honor of those veterans who fought in World War I.

It was not until 1954 that Congress, at the urging of veterans service organizations, renamed Armistice Day as Veterans Day to extend the commemoration to all those who have so honorably served this Nation.

Although we pause today to commemorate the service of those who served on behalf of this grateful Nation, we must make certain that this day has meaning and is not merely set aside for fanfare and speeches. Indeed,

we must make certain that our veterans have our commitment and support every day and not just Veterans Day.

Too often our veterans' priorities are not our own. As we saw earlier this year, VA had a tremendous funding shortfall.

It took some too long to acknowledge what so many of us had known for some time—that VA health care was not being funded at an adequate level—a level commensurate with the sacrifice that our veterans made on the beaches of Normandy, the harbors of Hawaii, the jungles of Vietnam, and the deserts of the Middle East.

I am pleased that VA has announced that it is suspending its planned review of 72,000 post traumatic stress disorder claims. This is surely great news for all veterans because many times VA compensation is the sole source of income for a veteran and his family.

We must put into practice daily the sentiment that Abraham Lincoln expressed when he said during his second inaugural address that we should—and I quote the President—

care for him who shall have borne the battle and for his widow and for his orphan.

Our 25 million living veterans are the backbone of this Nation.

Today, I want to personally express my gratitude to all veterans of our Armed Forces and thank them for their service.

Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Massachusetts.

AMENDMENT NO. 2507

Mr. KERRY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Massachusetts [Mr. KERRY] proposes an amendment numbered 2507.

Mr. KERRY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require reports on clandestine facilities for the detention of individuals captured in the global war on terrorism)

At the end of subtitle D of title X, add the following:

SEC. ____ . REPORTS ON CLANDESTINE DETENTION FACILITIES FOR INDIVIDUALS CAPTURED IN THE GLOBAL WAR ON TERRORISM.

(a) SECRETARY OF DEFENSE REPORT.—

(1) REPORT REQUIRED.—Not later than sixty days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a detailed report on the knowledge of the Secretary, and of the personnel of the Department of Defense, on whether or not there exists, or has existed, any clandestine facility outside of United States territory for the detention of individuals captured in the global